

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA )

v. )

JOSEPH DWAYNE JUMPER )  
\_\_\_\_\_ )

DOCKET NO. 1: 20 CR 1

**FACTUAL BASIS**

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement simultaneously filed in this matter.

This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

1. The defendant, JOSEPH DWAYNE JUMPER, is an enrolled member of the Eastern Band of Cherokee Indians, and at all relevant times resided within the boundary of the Eastern Band of Cherokee Indian's Reservation and in Graham County, North Carolina.

2. On a date unknown, but occurring between July 23, 2018 and August 27, 2018, JUMPER intentionally touched, directly and through the clothes, the genetalia of a minor child, Z.W., who had not attained twelve years of age and due to tender years was incapable of appraising the nature of the conduct, and did so with an intent to abuse, humiliate, harass, degrade, and to arouse and gratify the sexual desire of any person. This conduct took place at a residence located at 143 Henry Wachacha Road in Graham County, N.C., which is within the boundary of the Eastern Band of Cherokee Indian's Reservation, and the Western District of North Carolina.

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis and the Bill of Information, and the Plea Agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information, and the Plea Agreement. I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be used for the purposes stated above.



Fredilyn Sison, Attorney for Defendant

DATED: 1/1/2020